

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

CELSO LUIZ DA SILVA,

Petitioner,

v.

KRISTI NOEM, as Secretary of the  
Department of Homeland Security,  
CALEB VITELLO, Acting Director of the  
U.S. Immigration & Customs Enforcement,  
TODD M. LYONS, Director of the U.S.  
Immigration & Customs Enforcement for the  
Boston Field Office,

Respondents.

Civil Action No.: 1:25-CV-10735-PBS

**RESPONDENTS' STATUS REPORT AND MOTION TO DISMISS**

Kristi Noem, as Secretary of the Department of Homeland Security,  
Caleb Vitello, Acting Director of the U.S. Immigration & Customs Enforcement,  
Todd M. LYONS, Director of the U.S. Immigration & Customs Enforcement for the Boston Field  
Office ("Respondents"), herein provide this Court with a status report per the Court's March 31,  
2025, Order issued during the emergency hearing. Counsel for Respondents provided Petitioner's  
counsel, via electronic mail, with the name of the processing center in Pennsylvania where  
Petitioner is being held. Counsel for Respondents was also able to confirm that Petitioner has an  
immigration hearing scheduled for April 8, 2025, which he is expected to attend via video link,  
thus he will not leave the jurisdiction of Pennsylvania. Counsel for Respondents was also able to  
ascertain that Petitioner will not be removed from the United States for the foreseeable future as  
no order for his removal has been issued by an immigration judge.

Given that Petitioner is not being held within Massachusetts, this habeas petition should be

dismissed as jurisdiction lies only within the district of confinement. *See Tham v. Adducci*, 319 F. Supp. 3d 574, 577 (D. Mass. 2018) (Holding that “jurisdiction lies in only one district: the district of confinement.”); *Rombot v. Moniz*, 299 F. Supp. 3d 215, 218 (D. Mass. 2017) (Citing *Padilla* for proposition that a “district court may only grant a petitioner relief when the court is located in the ‘district of confinement’” when petition is filed.)

Respectfully submitted,

LEAH B. FOLEY  
United States Attorney

Dated: April 2, 2025

By: /s/ Rayford A. Farquhar  
RAYFORD A. FARQUHAR  
Assistant United States Attorney  
United States Attorney’s Office  
John Joseph Moakley U.S. Courthouse  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: April 2, 2025

By: /s/ Rayford A. Farquhar  
RAYFORD A. FARQUHAR  
Assistant United States Attorney

#### **LOCAL RULE 7.1 CERTIFICATION**

I, Rayford A. Farquhar, Assistant United States Attorney, hereby certify that I attempted to contact Attorney Desmond Fitzgerald by telephone today and was unable to reach him. I informed Attorney Fitzgerald via electronic mail the Petitioner’s location and next immigration court date.

Dated: April 2, 2025

By: /s/ Rayford A. Farquhar  
RAYFORD A. FARQUHAR  
Assistant United States Attorney